

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**FENDER MUSICAL INSTRUMENTS  
CORPORATION,**

**Plaintiff,**

**v.**

**KELTON SWADE, INDIVIDUALLY,  
and KELTON SWADE, LLC, d/b/a  
KELTON SWADE GUITARS**

**Defendants.**

**Case No. 3:13-cv-01075  
Judge Sharp**

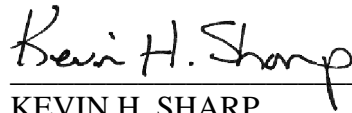
**ORDER**

For the reasons explained in the accompanying Memorandum, the Court rules as follows:

- (1) The Court GRANTS Fender's Motion for Contempt, (Docket No. 96), and finds Swade in contempt of court for violating the Confidential Settlement Agreement and Permanent Injunction entered by this Court on November 12, 2014;
- (2) The Court finds each of Swade's AVR-T and AVR-S headstock designs to be a breach of the Agreement, and Swade is therefore ordered to pay Fender \$25,000 in liquidated damages for each violation, for a total sanction of \$50,000;
- (3) Swade is ordered to secure new headstock designs for his AVR-T and AVR-S guitars that are not in any way similar to Fender's Stratocaster or Telecaster headstock designs and that also maintain a safe distance from Fender's designs;
- (4) Fender's request to modify the Permanent Injunction is denied;
- (5) This Court shall retain jurisdiction over this matter to enforce any further violations of the Permanent Injunction's terms; and

(6) Fender is instructed to file a Motion for Attorneys' Fees with supporting affidavits and documentation within 30 days. Swade will have 14 days to respond to Fender's Motion for Attorneys' Fees.

It is SO ORDERED.

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive style with a horizontal line extending to the right.

KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE